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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/189,559 11/11/98 MCMILLAN

J WISO-0101-PU

EXAMINER

WM01/0129

CHANNAVAJIALA S

ART UNIT

PAPER NUMBER

2177

DATE MAILED:

01/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/189,559

Applicant(s)

MC MILLAN ET AL.

Examiner

Srirama Channavajjala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Drawings

1. The Drawing filed on 11/11/1998, are approved by the Draftsperson under 37CFR 1.84 or 1.152.

Information Disclosure Statement

2. Applicant discussed different prior art(s) in the background art in the specification, page 3-4, however, Applicant is hereby required to submit PTO-1449

Specification

3. The title of the invention is not descriptive. A **new title** is required that is clearly indicative of the invention to which the claims are directed.
4. Claims 1-32 are presented for examination, Claims 1,16, 18 are independent Claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5-8, 14-18, 22-25, and 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Stupek, Jr. et al., [hereafter Stupek], US Patent No. 5586304.
6. As to Claims 1, 16, and 18, Stupek details a system which including 'determining changes made to a computer system's file and other shared resources during installation of at least one application' [col 1, line 55-67, col 2, line 1, line 12-17, fig 5B], 'computer system to obtain change information' [col 6, line 56-67], examiner interpreting change information to be equivalent to DESCRIP.DB of Stupek, description database stores for example package number, record count version number etc., as detailed in fig. 5B; 'processing the change information to determine which files and shared resources conflict with one another to obtain conflict information' [col 7, line 1-24], 'storing the conflict information in a database of interrelated tables' [col 7, line 32-37], examiner interpreting database to be equivalent to Stupek's fig 5C, element 29, also, it is inherent to store errors or warnings or conflicts into database because, Stupek specifically teaches comparison service, also storing the comparison results , see fig 7B, elements 244-250.

7. As to Claims 5 and 22, Stupek details a system which including 'driver conflict information' [see fig 4, element 32, col 4, line 21-30]
8. As to Claims 6 and 23, Stupek details a system which including 'data source conflict' [see col 5, line 54-67], specifically, job status is an indication whether or not error free.
9. As to Claims 7 and 24, Stupek details a system which including 'service conflict' [see figs 5A-5D, fig 6, element 47a - 47c, col 7, line 49-64].
10. As to Claims 8 and 25, Stupek details a system which including 'device conflict' [see fig. 1, element 10, col 3, line 49-63], more specifically, Stupek teaches automatically analyzing and executing the upgrades and also details upgrade comparisons see col 4, line 5-12.
11. As to Claims 14, 17 and 31, Stupek details a system which including 'resolving includes the step of generating an installer from the information stored in the database' [col 4, line 5-13, line 38-43].
12. As to Claims 15 and 32, Stupek details a system which including 'at least one of the tables has a conflict field for storing' [fig 4, element 34, details status field, fig 8, element 324 details storing the status results, col. 8, line 55-58].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 2-4, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stupek, Jr. et al., [hereafter Stupek], US Patent No. 5586304 as applied to claims 1, 18 above, and further in view of Shipley, US Patent No. 5634114.

14. As to Claims 2 and 19, Stupek does not specifically teaches 'DLL file conflict', examiner notes that DLL or dynamic link library file(s) are well known in the art for example one of the feature of Microsoft Windows family of operating systems and OS/2 that allows executable routines stored separately as files with DLL extensions and to be loaded only when needed by a program. Shipley details a system which including 'DLL file conflict' [see col 3, line 32-50], examiner interpreting DLL file conflict is to be equivalent to comparing DLL version number in a table and if version matched, "preferred version OK" flag is a kind of check as detailed in col 3, line 42-45.

It would have been obvious one of the ordinary skill in the art at the time of the applicant's invention to combine the concepts taught by Shipley with the system of Stupek because comparing the versions of DLL and detecting DLL conflict or errors or flags allows to prevent run-time errors within the application program due to version changes, [see col 3, line 52-62], maintaining the upgrade information indicating the changes from the previous versions of Stupek [see col 2, line 28-31], improving the reliability and versatility of the system.

15. As to Claims 3-4 and 20-21 Stupek details for example resource upgrades, including packages, and upgrade objects as detailed in fig 1, also details results directory and status data as detailed in fig 2, elements 73 and 75. Shipley details setting version flag to preferred version as detailed in fig 2. In general, Registry is commonly well known in the art as a central hierarchical database in operating system like Windows 95 used to store information necessary to configure the system for one or

more users, applications and hardware devices. Again Shortcuts or commands are well known in the art for example "print command is generally known as Ctrl+P; Copy is Ctrl+C; Paste is Ctrl+V; Cut is Ctrl+X. Therefore, Registry and Registry errors , Shortcut or commands are inherent aspects of both Stupek and Shipley's invention.

16. Claims 9-13, 26- 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stupek, Jr. et al., [hereafter Stupek], US Patent No. 5586304 as applied to claims 1, 18 above, and further in view of Choye et al., [hereafter Choye], US Patent No. 5842024.

17. As to Claims 9-13, Stupek does not specifically detail 'Microsoft Windows Installer component conflict, autoexec.bat conflict, config.sys conflict, INI changes conflict, path conflict', although Stupek does detail for example upgrade installer as detailed in fig 1, element 17, col 4, line 38-43, a comparison service elements 47a-47c as detailed in fig 6, col 8, line 27-30. Choye teaches 'Microsoft Windows Installer component conflict' [col 4, line 55-60, col 5, line 4-19, line 20-28]'autoexec.bat conflict' [col 5, line 4-19], 'config.sys conflict' [col 5, line 4-19], 'INI changes conflict' [col 5, line 4-19], examiner notes that In DOS and Windows operating system, the file extension that identifies an initialization file contains user preferences and startup information about the application program, therefore, it is inherent aspect of Choye's teachings because, Choye teaches for example autoexec.bat, config.sys comparing with the original

contents as detailed in col 3, line 25-30, col 5, line 4-28; 'path conflict' [col 3, line 25-30, col 4, line 14-20, col 5, line 20-28].

It would have been obvious one of the ordinary skill in the art at the time of the applicant's invention to combine the concepts taught by Choye with the system of Stupek because a modular or application approach of installing Microsoft Windows Installer component, autoexec.bat, config.sys, INI, path allows to compare any changes and implementing changes through SCRIPT.EXE of Choye in the same block of Stupek allowing upgrade information in particular version(s) and importance of the change(s) [see col 2, line 24-31], thus improving the reliability and versatility of the system.

18. The elements of Claims 26-30 are rejected in the analysis above and these Claims are rejected on that basis.

Conclusion

The prior art made of record

- a. US Patent No. 5586304
- b. US Patent No. 5842024
- c. US Patent No. 5634114

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- d. US Patent No. 5991774
- e. US Patent No. 6145056
- f. US Patent No. 6154878
- g. US Patent No. 5956513
- h. US Patent No. 5903897
- i. US Patent No. 5119377
- j. US Patent No. 5347518
- k. US Patent No. 6119246
- l. US Patent No. 5655154
- m. WO 98/40807
- n. Kuen et al., A difference-based version model for
OODBMS, IEEE 1998
- o. Seemann et al., Visualization of differences between
versions of object software, March 1998.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is (703)308-8538. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM Eastern Time.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703)305-9790. The fax phone number for this Art Unit is (703)308-6607.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-9600.

CS



January 22, 2001.



JACK CHOULES
PRIMARY EXAMINER